

AN ORDINANCE

02-0-1534

BY CITY UTILITIES COMMITTEE

AUTHORIZING THE NEGOTIATIONS AND ACQUISITION OF PROPERTY AND THE USE OF CONDEMNATION PROCEEDING IF NECESSARY TO ACQUIRE PROPERTY LOCATED AT 2631 CASCADE ROAD, IN LAND LOT 201 OF 14TH DISTRICT, FULTON COUNTY, GEORGIA, SUBDIVISION LOT 43 BLOCK "A" SPRING PARK PHASE II IN CONNECTION WITH THE NEW CASCADE ROAD SEWAGE PUMPING STATION REQUIRED BY THE EPA/EPD SSO CONSENT ORDER.

WHEREAS, the City of Atlanta, Department of Public Works, has identified in connection with construction of improvements to Cascade Road Pumping Station the need to acquire certain property; and

WHEREAS, the identified property is located at 2631 Cascade Road, Land Lot 201 of the 14th District, Subdivision Lot 43, Block "A" Spring Park Phase II as recorded in Plat Book 163, Page 124, Fulton County Records, Fulton County; and

WHEREAS, the Department of Public Works seeks to provide a new sewage pumping station on property for compliance with EPA/EPD SSO Consent Order; and

WHEREAS, the Department of Public Works seeks to acquire three (3) easements and a fee simple land purchase on property to complete construction of the required sewage pumping station; and

WHEREAS, there will be a cost associated with the acquisition of the needed real estate and improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the Purchasing Agent in cooperation with Smith Real Estate Services, Inc. (Consultant), is hereby authorized to negotiate with affected property owners and to acquire the necessary real property interest located at 2631 Cascade Road, needed to complete construction of the new Cascade Road Sewage Pumping Station.

SECTION 2: That the Purchasing Agent is hereby authorized to obtain land surveys, legal descriptions, title reports, appraisal reports, environmental reports and to establish estimates of just compensation based thereon to be offered property owners in connection with the project.

SECTION 3: That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

SECTION 4: That the City's Consultant is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Purchasing Agent is authorized to administratively settle, with appropriate substantiating documentation, e.g. appraisal report, without further authorization of City Council, those acquisitions which exceed the limitations which the City's Consultant cannot otherwise acquire. However, in no event shall the Purchasing Agent's authority to administratively negotiate or settle such acquisitions without Council authorization exceed 20% above the estimated just compensations of affected property.

SECTION 5: That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and , the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

SECTION 6: That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

SECTION 7: That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultant, with affected property owners in the Cascade Road Sewage Pumping Station Project.

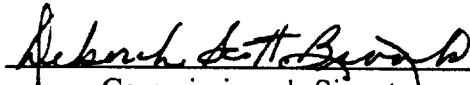
SECTION 8: That the cost associated with the acquisition of the property shall be paid from Fund Account Number 2J26 571001 M57I15019999 AND 2J26 572001 M57I15019999.

SECTION 9: That all ordinances and parts of ordinances in conflict herewith are hereby rescinded.

Transmittal Form For Legislation

TO: Office of the Mayor

Attention: Greg Pridgeon


Commissioner's Signature


Director's Signature

Originating Department: Public Works

Contact Person: Joan Leavell

Committee(s) of Purview: City Utilities

Council Deadline: 8-30-02

Committee Meeting Dates: 9-10-02

Full Council Date: 9-16-02

CAPTION:

Authorizing the negotiations and acquisition of property and the use of condemnation proceeding if necessary to acquire property located at 2631 Cascade Road, in Land Lot 201 of 14th District, Fulton County, Georgia, Subdivision Lot 43 Block "A" Spring Park Phase II in connection with the new Cascade Road Sewage Pumping Station required by the EPA/EPD SSO Consent Order.

BACKGROUND

The Department of Public Works is required by EPA/EPD SSO Consent Order to construct a replacement sewage pumping station to replace the old ejector station that was determined to be unreliable by the consent order mandated evaluation.


FINANCIAL IMPACT:

Mayor's Staff Only

Received by Mayor's Office: _____

8/30/02
(date)

Reviewed by: _____


(date)

Submitted to Council: _____

(date)

Action by Committee: ☐ Approved ☐ Adverse ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other

SIGNIFICANT LEGISLATION BACKGROUND PAPER
FOR CITY UTILITIES COMMITTEE

PURPOSE

Authorizing the negotiations and acquisition of property and the use of condemnation proceeding if necessary to acquire property located at 2631 Cascade Road, in Land Lot 201 of 14th District, Fulton County, Georgia, Subdivision Lot 43 Block "A" Spring Park Phase II in connection with the new Cascade Road Sewage Pumping Station required by the EPA/EPD SSO Consent Order.

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BUDGET IMPLICATIONS

FUNDING SOURCE 2J26 571001 M57I15019999 and 2J26 572001 M57I15019999

ONE TIME COST _____ **OR ANNUALIZED FUNDING.** _____

IN CURRENT BUDGET _____ **YES** _____ **NO**

ADDITIONAL DATA:

New pumping station requires fee simple purchase, permanent 12' sanitary sewer easement, and two (2) temporary construction easements.